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Remarks

Claims 1 - 8 remain pending in the application. Claim 9 is canceled.

Double Patenting

Claims 1 - 9 are subject to nonstatutory obvious-type double patent rejections. Terminal disclaimers are submitted with this response and withdrawal of this rejection is respectfully requested.

Claim Rejections 35 U.S.C. § 103

The Office Action rejects claim 1 under 35 U.S.C. § 103 as obvious over Morgan et al., Defibrillator System Using Multiple External Defibrillators and a Communications Network, U.S. Patent 5,593,426 (Jan. 14, 1997) in view of Halperin, Cardiopulmonary Resuscitation and Assisted Circulation System, U.S. Patent 4,928,674 (May 29, 1990) under the assertion that Morgan teaches details of the defibrillation system to be used for CPR patients so that first responders can communicate with health care professionals. The Office action further asserts Morgan teaches that a security system may be needed to prevent unauthorized individuals from operating the system. It is alleged the communication station sends a return signal to the defibrillator authorizing the operation of the system. The Office action states Morgan fails to teach how one is to administer the chest compressions of CPR, but that Halperin teaches using a chest compression device with defibrillation electrodes and a controller operating both.

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In claim 1, the limitations include, *inter alia*, means for determining the level of access of a particular operator and a computer programmed to permit the compression device to be placed on the patient and permit operation of the compression device when the compression device is placed on the patient regardless of the operator's permitted level of access of an operator of the system. The combination of Morgan and Halperin fails to teach or suggest means for determining the level of access of a particular operator and permitting operation of the compression device when the compression device is placed on the patient regardless of the operator's permitted level of access. Morgan merely discloses a system having a locked holder for an AED and a communicator authorizing opening the lock so that a user can access the defibrillator. Morgan makes no mention of permitting operation of a compression device when the compression device is placed on the patient regardless of the operator's permitted level of access because Morgan does not disclose use of a compression device as discussed in the Office Action.

Halperin discloses a compression device with a defibrillator, however Halperin also fails to teach or suggest determining the level of access of a particular operator and a computer programmed to permit operation of the compression device when the compression device is placed on the patient regardless of the operator's permitted level of access. Halperin does not contemplate a tiered access system as contemplated by the Applicant and therefore has no need to identify the level of access or permit operation of the compression device regardless of the operator's level. Because the combination of Morgan and Halperin fails to teach or suggest

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at limitations claimed by the Applicant, the combination does not render obvious the Applicant's claimed invention.

The Applicant's claimed invention solves an unrecognized problem in the use of combined AED and automated CPR devices. federal regulations classify AEDs as Class III medical devices. Various state and federal regulations including the Cardiac Arrest Survival Act require extensive training and oversight by medical professionals for use of AEDs. Using an AED on a patient that does not require a defibrillating shock can result in injury or death of the patient and/or the user of the AED. However, use of an automated CPR device on a patient does not require training or oversight by a licensed medical professional. The Applicant's claimed invention allows combined AED and CPR devices to be placed in public places and for the CPR device to be used by a lay person when someone is having a heart attack even when access to an authorized AED user is not available. In this manner, the AEDs can be prepositioned and deployed on a benign platform, and with the Applicant's access restrictions may eventually reduce the need for such extensive oversight.

The Office Action rejects claims 2 – 5 and 7 – 9 as obvious over Morgan et al. in view of Halperin and in further view of Arand, Defibrillator with Automatic and Manual Modes, U.S. Patent 6,088,617 (Jul. 11, 2000) under the assertion that Arand teaches it is desireable for the AED to have at least two different levels of access. Claim 9 is canceled. Claims 2 – 5 and 7 – 8 have the claim limitation of a computer programmed to permit operation of the compression device when the compression device is placed on the patient regardless of the operator's permitted level of access. The combination or Morgan, Halperin

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and Arand fails to teach or suggest a computer programmed to permit operation of the compression device when the compression device is placed on the patient regardless of the operator's permitted level of access. Arrand is directed towards AEDs and does not disclose use of a compression device. As such, Arand also fails to teach or suggest a computer programmed to permit operation of the compression device when the compression device is placed on the patient regardless of the operator's permitted level of access. As discussed earlier, Morgan and Halperin also fail to teach or suggest a computer programmed to permit operation of the compression device when the compression device is placed on the patient regardless of the operator's permitted level of access. Since the combination of Morgan, Halperin and Arand fails to teach or suggest a claim limitation found in the Applicant's claims 2 - 5 and 7 - 8, the combination does not render obvious the Applicant's claimed invention.

Claim 6 is rejected under 35 U.S.C 103 as obvious over Morgan, Halperin and Arand in further view of McGrady under the assertion McGrady teaches using and access card reader as an example of a software pass code. In claim 6, the Applicant claims, *inter alia*, a computer programmed to permit operation of the compression device when the compression device is placed on the patient regardless of the operator's permitted level of access. McGrady is directed towards a system for dispensing a kit of associated medical items. McGrady does not disclose a compression device and does not teach or suggest a computer programmed to permit operation of the compression device when the compression device is placed on the patient regardless of the operator's permitted level of access. Morgan, Halperin and Arand also fail to teach or suggest a computer programmed to

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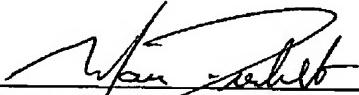
permit operation of the compression device when the compression device is placed on the patient regardless of the operator's permitted level of access. Because the combination of Morgan, Halperin, Arand and McGrady fails to teach or suggest claim limitations found in the Applicant's claimed invention, the combination does not render obvious the Applicant's claimed invention.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

Date: March 17, 2006

By:



Marc J. Frechette, Esq.
Reg. No. 49060